

**REMARKS**

Claims 1, 4-6, 9, and 11-13 are pending in this application. The Office Action objects to the specification; rejects claims 1-14 under 35 U.S.C. §112, second paragraph; and rejects claims 1-14 under 35 U.S.C. §102(b). Applicants hereby amend claims 1, 4, 5, 9 and 13 and cancel claims 2, 3, 7, 8, 10 and 14. No new matter is added.

**I. Objection to the Specification**

The Office Action objects to the disclosure for not containing proper idiomatic English. Applicants enclose herewith a corrected specification in compliance with CFR 1.52(a) and (b). All sentences appearing to be either in idiomatic English or containing "run-on" passages have been rewritten and/or clarified.

Should the Examiner believe that any further changes or clarifications are required, the Examiner is invited to telephone Applicants' undersigned attorney. Reconsideration and withdrawal of the objection are earnestly solicited.

**II. Rejection Under 35 U.S.C. §112**

The Office Action rejects claims 1-14 under 35 U.S.C. §112, second paragraph, as indefinite. The Office Action asserts that at least claims 1, 2 and 6 are vague and/or confusing. Applicants hereby amend claims 1, 4, 5, 9 and 13, cancel claims 2, 3, 7, 8, 10 and 14 and traverse the rejection.

Claim 1, as amended, more fully clarifies that the derivative of an alcohol having a polyoxyalkylene chain is represented by formula (1). Additionally, amended claim 1 defines monomer components (c) and (d), which constitute the *esterified* copolymer (A). In other words, copolymer (a) comprises monomers (c) and (d). Thus, because (A) comprises (a) and (b), (A) necessarily also comprises (c) and (d).

Claim 2 is canceled and thus the rejection is moot.

Claim 6 clearly indicates that component (B) (i.e., "a derivative of an alcohol..."), which corresponds to (b) of *esterified* copolymer (A), can be added to cement. Similarly, component (C) (i.e., a polycarboxylic acid series copolymer), which corresponds to (a) of *esterified* copolymer (A), can be added to the cement. In other words, (A) is the reaction product of (B) and (C), which, respectively, are the same as (b) and (a), as restated in page 5 of the October 18, 2006 Final Rejection.

The foregoing points can be understood by referring generally to at least page 7 of the specification, as filed, which indicates that component (B) is the derivative, represented by Formula (1); and that after (A) is produced, (B) and (C) may still be individually added to the cement.

For at least the foregoing reasons, claims 1, 4-6, 9, 11 and 13 are not indefinite. Should the Examiner believe that any further changes or clarifications are required, the Examiner is invited to telephone Applicants' undersigned attorney. Reconsideration and withdrawal of the rejection are earnestly solicited.

### **III. Claim Rejections Under 35 U.S.C. §102**

The Office Action rejects claims 1-14 under 35 U.S.C. §102(b) as anticipated by JP 06-298556. The Office Action asserts that JP 06-298556 discloses each claimed feature. Applicants hereby amend claims 1, 4, 5, 9 and 13 and cancel claims 2, 3, 7, 8 10 and 14.

JP 06-298556 discloses an additive having "n" value of 11 or more, and indicates slump peak properties at 20°C (i.e., ambient temperature). However, JP-06298556 nowhere discloses, expressly or inherently, at least a polycarboxylic acid series copolymer comprising a polyoxyalkylene chain. Moreover, JP-06298556 nowhere discloses polycarboxylic acid series esterified copolymer and a polycarboxylic acid series copolymer in the ration of either 30:70, or 80:20.

In contrast, instant amended claim 1, from which claims 4-6, 9, and 11-13 depend, recites "comprising the following component (C) a polycarboxylic acid series copolymer comprising a polyoxyalkylene chain, wherein the weight ratio of the components (A) and (C) is 30:70 to 80:20."

Accordingly, for the reasons described in the Remarks submitted in reply to the May 4, 2006 Office Action, in addition to the arguments recited herein, instant claims 1, 4-6, 9, and 11-13 are not anticipated by JP 06-298556. Reconsideration and withdrawal of the rejection are earnestly solicited.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:RCC/amw  
Attachments:

Marked-Up Copy of Specification w/Substitute Specification  
Date: April 18, 2007

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